

b.) Remarks

Claims 1, 6-8 and 13-15 have been cancelled. Additionally, claim 9 is rewritten in independent form and claims 2-5 are amended to maintain their dependency. Lastly, claim 16 is presented in order to more specifically recite various preferred embodiments of the present invention. The subject matter of the amendment may be found in Compound 2 at specification page 13. Accordingly, no new matter has been added.

Claims 9-12 are

objected to under 37 C.F.R. 1.75(c) as being in improper form because they are stated as being dependent claims of claims 6-8, and are therefore multiple dependent claims.

Respectfully submitted, this objection is not at all well-understood. In that regard, 37 C.F.R. §1.75(c) does not proscribe “multiply dependent claims”, it proscribes multiply dependent claims that depend from other multiple dependent claims -- which none of claims 9-12 does. That is, claims 9-12 each depend from “any one of claims 6-8” and none of claims 6-8 is multiply dependent, in conformity with MPEP §608.01(n).

Therefore, since each of claims 9-12 were properly written, the Examiner’s statement (“[a]ccordingly, the claims 9-12 have not been further treated on the merits”) is without basis in law and so, the Office Action is incomplete. MPEP §707.07. Therefore, no new rejection of claims 9-12 may be made final since any new ground of rejection was not necessitated by Applicants’ amendment. MPEP §706.07(a).

Claims 6-8 are rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,727,259 to Shimada¹ in view of Kase (*Biosci. Biotechnol. Biochem.*, Vol. 65 (2001) 1447-57), and Middleton et al. (*Brain Res. Rev.*, Vol. 31 (2001) 236-50), as evidenced by Graybiel (*Current Op. Neurobio.*, Vol. 5 (1995) 733-41). Simply in order to reduce the issue and expedite prosecution, claims 6-8 have been cancelled. Accordingly, this rejection is mooted.

Claims 6-8 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 2-3 of U.S. Patent No. 6,727,259. this rejection, too, is mooted by the above cancellation of claims 6-8.

In view of the above amendments and remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 2-5, 9-12 and 16 remain presented for continued prosecution.

¹ Although Shimada '259 is unavailable as prior art under 35 U.S.C. §103(c), it has published PCT and U.S. application family member equivalents that are prior art under 35 U.S.C. §102(b), so the rejection should be based on those equivalents.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

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